

REMARKS

Applicant respectfully requests reconsideration of the present application in view of foregoing amendments and the remarks that follow.

I. Status of the Claims

Claim 28 is currently amended. Claims 54-57 are newly added.

Support for the amendment to claim 28 can be found in the specification at pages 9 and 10 and in Figures 1 and 2. Claims 54-57 recite the conjugation as a step. Support for the new claims can be found in the previously presented claims and the specification at pages 9 and 10 and in Figures 1 and 2. No new matter was added.

Claims 28, 29, 36, and 54-57 are pending.

II. Claim Rejections under 35 U.S.C. §103

A. Claims 28, 29, and 36

The Examiner rejects claims 28, 29 and 36 are rejected under 35 U.S.C. §103(a) as being obvious over by U.S. Patent No. 6,527,938 to Bales et al. ("Bales") in view of U.S. Patent No. 6,099,562 to Ding et al. ("Ding").

The Examiner states that the limitation at issue (i.e., conjugation by acylation) is a product-by-process limitation and is only afforded weight to the extent the process imparts any patentable difference in the product. The Examiner then concludes that the method of the prior art and the claimed method do not yield different materials and maintains the rejection. (Office Action, page 3)

Applicant traverses. Contrary to what the Examiner finds, the method described in Ding and the presently claimed method yield different materials. In the presently claimed method, the reductive amination yields an amine bond between the styrene polymer and the PEG with the amino group on the PEG side. *See* Figures 1 and 2.

Ding describes a method including amination to generate amines and imines, reduction of imines to amines, and reaction of amines and electrophilically activated PEG (e.g., PEG nitrophenyl carbonate, PEG isocyanate, PEG tresylate, PEG glycidyl ether, etc.). *See* Col. 5, 6, and 12. The reactions of the amines and these activated PEG do not produce the amine as in the

claimed method. For example, the reaction of the amines with PEG nitrophenyl carbonate yields an carbamate bond between the polymer and the PEG with the amino group on the polymer side; the reaction of the amines with PEG isocyanate yields an urea bond between the polymer and the PEG. The reaction of the amines and the PEG glycidyl ether yields an amine bond with the amino group on the polymer side; and the reaction of the amine with the PEG tresylate yields a sulfonamide bond with the amino group on the polymer side.

Because the method described in Ding and the presently claimed method produce different materials, Bales and Ding cannot render claims 28, 29, and 36 obvious. Applicant respectfully requests the reconsideration and withdrawal of the rejection.

B. New claims 54-57

New claims 54-56 mirror claims 18, 29, and 36 except that they recite the conjugation as a positive step.

As discussed above, the acylation followed by reductive amination is different from the method described in Ding. Therefore, the cited art cannot render new claims 54-57 obvious.

Applicant respectfully requests favorable consideration of the new claims.

CONCLUSION

Based on the above amendments and remarks, this application is believed to be in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-1850. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 07-1850.

Respectfully submitted,

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